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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Mikes, *et al.*

Serial No.: 10/685,270

Filed: October 14, 2003

For: SYSTEM AND METHOD FOR USING
CONCENTRIC SPECTROMETER TO
MULTIPLEX OR DECMULTIPLEX
OPTICAL SIGNALS

Art Unit: 2883

Examiner: Hughes, James P.

Docket No.: 10004278-1

REPLY TO DECISION REFUSING STATUS UNDER 37 C.F.R. 1.47(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the Decision Refusing Status Under 37 C.F.R. 1.47(a) mailed on August 1, 2005, Applicants submit the following remarks.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Agilent Technologies, Inc. Deposit Account No. 50-1078.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, with sufficient postage, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on 8-16-05.

Signature: Shama A. East

REMARKS

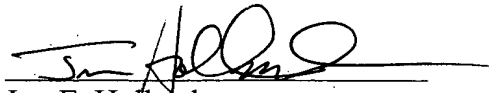
In the Decision Refusing Status Under 37 CFR 1.47(a) mailed on August 1, 2005, it is asserted that the Petition to Accept Declaration filed by Applicants on October 14, 2003, is dismissed because it allegedly lacks certain items specified in 37 C.F.R. §1.47(a). In particular, it is alleged that the Petition lacks: (1) proof that the non-signing inventor, Thomas Mikes, cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration, and (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116.

Since filing the Petition of October 14, 2003, Applicants have obtained a signed Declaration from inventor, Thomas Mikes. A copy of such Declaration was filed along with the First Response on March 17, 2005, and is submitted herewith along with a newly executed Declaration from the other inventor, Lian Xiang. Accordingly, it is unnecessary for Applicants to submit item (1). Further, it is believed that the documents submitted herewith satisfy 35 U.S.C. §§115 and 116. Therefore, Applicants respectfully request that the Patent office accept the Declarations submitted herewith and allow the instant application proceed to examination and issuance. In particular, Applicants request that the instant application be forwarded to the Examiner so that he may consider the First Response filed by Applicants on March 17, 2005.

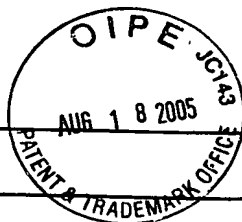
If the Examiner has any questions or comments regarding this paper, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By: 
Jon E. Holland
Reg. No. 41,077
(256) 704-3900, Ext. 103

Agilent Technologies, Inc.
3500 Deer Creek Blvd.
MS 26U-25
Palo Alto, CA 94304-1317

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

ATTORNEY DOCKET NO. 10004278-1

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which is attached hereto unless the following box is checked:

☒ was filed on October 14, 2003 as US Application Serial No. or PCT International Application
Number 10/685,270 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES: <input type="checkbox"/> NO: <input type="checkbox"/>
			YES: <input type="checkbox"/> NO: <input type="checkbox"/>

Provisional Application

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE

U. S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS (patented/pending/abandoned)

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Customer Number

022878

Place Customer
Number Bar Code
Label hereSend Correspondence to:
AGILENT TECHNOLOGIES, INC.Legal Department, DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599

Jon E. Holland

(256) 704-3900

Direct Telephone Calls To:

OR

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Thomas L. Mikes

Residence: Wellington, FL, 33414

Post Office Address: 12929 Mizner Way, Wellington, FL, 33414

Citizenship: U.S.

Inventor's Signature

Date

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION (Continued)**

ATTORNEY DOCKET NO. 10004278-1

Full Name of # 2 Joint Inventor: Lian Xiang
Residence: Acton, MA, 01720
Post Office Address: 42 Quarry Road, Acton, MA, 01720

Citizenship: U.S.

Inventor's Signature

Date

Full Name of # Joint Inventor:
Residence:
Post Office Address:

Citizenship:

Inventor's Signature

Date

Full Name of # Joint Inventor:
Residence:
Post Office Address:

Citizenship:

Inventor's Signature

Date

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Post Office Address:

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Date

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Post Office Address:

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Inventor's Signature

Date

Full Name of # Joint Inventor:
Residence:
Post Office Address:

Citizenship:

Inventor's Signature

Date



**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

ATTORNEY DOCKET NO. 10004278-1

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR USING A CONCENTRIC SPECTROMETER TO MULTIPLEX OR DEMULTIPLEX OPTICAL SIGNALS

the specification of which is attached hereto unless the following box is checked:

☒ was filed on October 14, 2003 as US Application Serial No. or PCT International Application Number 10/685,270 and was amended on _____ (if applicable).

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COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
N/A			YES: <input type="checkbox"/> NO: <input type="checkbox"/>
			YES: <input type="checkbox"/> NO: <input type="checkbox"/>

Provisional Application

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APPLICATION SERIAL NUMBER	FILING DATE
N/A	

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APPLICATION SERIAL NUMBER	FILING DATE	STATUS (patented/pending/abandoned)
N/A		

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **PRACTITIONERS ASSOCIATED WITH CUSTOMER NUMBER 022878.**

Send Correspondence to :

Direct Telephone Calls To:

Customer Number 022878

AGILENT TECHNOLOGIES, INC.
Legal Department, DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599

Ian Hardcastle (650) 485-3015

OR

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Thomas L. Mikes

Residence: Wellington, FL, 33414

Post Office Address: 12929 Mizner Way, Wellington, FL, 33414

Citizenship: US

Inventor's Signature _____

Date _____

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION (Continued)

ATTORNEY DOCKET NO. 10004278-1

Full Name of # Joint Inventor: Lian Xiang
Residence: Acton, MA, 01720
Post Office Address: 42 Quarry Road, Acton, MA, 01720

Lian Xiang
Inventor's Signature

Citizenship: U.S.

8/15.05
Date

Full Name of # Joint Inventor:
Residence:
Post Office Address:

Inventor's Signature

Citizenship:

Date

Full Name of # Joint Inventor:
Residence:
Post Office Address:

Inventor's Signature

Citizenship:

Date

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Inventor's Signature

Citizenship:

Date

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Citizenship:

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Residence:
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Inventor's Signature

Citizenship:

Date

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Residence:
Post Office Address:

Inventor's Signature

Citizenship:

Date